

JENNIFER L. COON

California State Bar No. 203913

FEDERAL DEFENDERS OF SAN DIEGO, INC.

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JUN 13 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *KW*
DEPUTYRetained Appointed

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TRIAL JUDGE Honorable Jeffrey T. MillerCourt Reporter Debra Henson

UNITED STATES OF AMERICA,) Case No. 07CR2872-JTM

Plaintiff-Appellee,) **NOTICE OF APPEAL (Criminal)**

v.)

JUAN HERON-SALINAS,)

Defendant-Appellant.)

Notice is hereby given that Juan Heron-Salinas, defendant above-named, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the:

(X) final judgment (Fed. R. Crim. P. 32(d))

() sentence only (18 U.S.C. § 3742) Sentence imposed _____

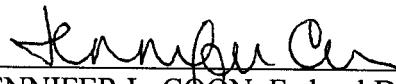
() order (describe) _____

entered in this proceeding on the 15th day of January, 2008.

If government appeal: Was the filing of this appeal approved in accordance with 18 U.S.C. § 3742(b)(4)?

Yes No

DATED: June 13, 2008


JENNIFER L. COON, Federal Defenders of San Diego, Inc.
 Attorneys for Defendant-Appellant
Transcripts Required** X Yes No Date ordered or to be ordered 6/30/08Date () Indictment () Information Filed 10/17/07Bail Status CustodyWill there be a request to expedite the appeal and set a schedule faster than that normally set? Yes No (Note: This does not alleviate requirement of Ninth Cir. R.27-12 that a motion to expedite must be done in accordance with FRAP 27).

*Pursuant to Fed. R. Crim. P. 32(a)(2) the defendant may request the clerk to prepare and file the Notice of Appeal.

**If transcript required, transcript order form (CA9-036) must be completed and court reporter contacted to make arrangements for transcription.

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 1

FILED

UNITED STATES DISTRICT COURT 08 JUN - 9 PM 4:45
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

JUAN HERON-SALINAS

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

DEPUTY

Case Number: 07CR2872-JM

JENNIFER COON, FED DEF INC.,

Defendant's Attorney

REGISTRATION NO. 99248198

THE DEFENDANT:

pleaded guilty to count(s) ONE OF THE INDICTMENT.

was found guilty on count(s) _____

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
8 USC 1326 (a) & (b)	ATTEMPTED ENTRY AFTER DEPORTATION	1

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

is are dismissed on the motion of the United States.

Assessment: \$100

Fine waived Property forfeited pursuant to order filed _____, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

JUNE 9, 2008

Date of Imposition of Sentence

Jeffrey T. Miller
HON. JEFFREY T. MILLER

UNITED STATES DISTRICT JUDGE

entered 6/13/08

07CR2872-JM

DEFENDANT: JUAN HERON-SALINAS
CASE NUMBER: 07CR2872-JM**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of FIFTY-SEVEN (57) MONTHS.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____
as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before _____
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

07CR2872-JM

DEFENDANT: JUAN HERON-SALINAS
CASE NUMBER: 07CR2872-JM**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of:
THREE (03) YEARS.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 8 drug tests per month during the term of supervision, unless otherwise ordered by court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer pursuant to 18 USC 3583(d).
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 9/00) Judgment in a Criminal Case
Sheet 3 — Continued 2 — Supervised Release

Judgment—Page 4 of 4

DEFENDANT: JUAN HERON-SALINAS
CASE NUMBER: 07CR2872-JM

SPECIAL CONDITIONS OF SUPERVISION

- Submit to a search of person, property, residence, abode or vehicle, at a reasonable time and in a reasonable manner, by the probation officer.
 - If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion, or voluntary departure.
 - Not transport, harbor, or assist undocumented aliens.
 - Not associate knowingly with alien smugglers.
 - Not reenter the United States illegally.
 - Not enter or reside in the Republic of Mexico without written permission of the Court or probation officer.
 - Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
 - Not possess any narcotic drug or controlled substance without a lawful medical prescription.
 - Not associate knowingly with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
 - Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
 - Defendant should not be subject to involuntary treatment, or the taking of any medication. Rather in the absence of defendant's consent to treatment or medication, the court shall determine the reasonableness or necessity of any proposed treatment or medication at issue.
 - Participate in a mental health treatment program as directed by the probation office.
 - Provide complete disclosure of personal and business financial records to the probation officer as requested.
 - Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
 - Seek and maintain full time employment and/or schooling or a combination of both.
 - Resolve all outstanding warrants within _____ days.
 - Complete _____ hours of community service in a program approved by the probation officer within _____.
 - Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of _____.
 - Reside in a Residential Reentry Center (RRC) as directed by the Bureau of Prisons for a period of _____ commencing upon release from imprisonment.
 - Remain in your place of residence for a period of _____, except while working at verifiable employment, attending religious services or undergoing medical treatment.
 - Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
 - Comply with the conditions of the Home Confinement Program for a period of _____ months and remain at your residence except for activities or employment as approved by the court or probation officer. Wear an electronic monitoring device and follow procedures specified by the probation officer. Pay the total cost of electronic monitoring services, or a portion if deemed appropriate by the probation officer.
 - Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.

MIME-Version:1.0
From:efile_information@casd.uscourts.gov
To:casd.uscourts.gov
Bcc:Nicole.Jones@usdoj.gov, efile.dkt.gc1@usdoj.gov, esmeralda.diaz@usdoj.gov, jennifer_coon@fd.org, sylvia_enrique@fd.org, efile_Miller@casd.uscourts.gov, efile_uspo@casp.uscourts.gov
Message-Id:<2655784@casd.uscourts.gov>
Subject:Activity in Case 3:07-cr-02872-JM USA v. Heron-Salinas Plea Entered
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.'**

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 6/13/2008 at 10:02 AM PDT and filed on 6/9/2008

Case Name: USA v. Heron-Salinas

Case Number: 3:07-cr-2872

Filer:

Document Number: 37(No document attached)

Docket Text:

Minute Entry for proceedings held before Judge Jeffrey T. Miller: Court accepts Plea entered by Juan Heron-Salinas (1) Guilty to Count 1 before the Magistrate Judge. Sentencing without P.O. Report held. Count 1 - Custody of the BOP for a term of 57 months. No fine. \$100 assessment. Supervised release for a term of 3 years. All pending motions are withdrawn. (Court Reporter Debra Henson).(Plaintiff Attorney Nicole Jones).(Defendant Attorney Jennifer Coon, Fed Def Inc.,). (llb)

3:07-cr-2872-1 Notice has been electronically mailed to:

Nicole A Jones Nicole.Jones@usdoj.gov, efile.dkt.gc1@usdoj.gov, esmeralda.diaz@usdoj.gov

Jennifer L Coon jennifer_coon@fd.org, sylvia_enrique@fd.org

3:07-cr-2872-1 Notice has been delivered by other means to:

MIME-Version:1.0
From:efile_information@casd.uscourts.gov
To:casd.uscourts.gov
Bcc:cassd_ecf@fd.org, Efile.dkt.gc2@usdoj.gov, efile_Papas@casd.uscourts.gov
Message-Id:<2218531@casd.uscourts.gov>
Subject:Activity in Case 3:07-mj-02416-LSP USA v. Heron-Salinas Initial Appearance
Content-Type: text/html

*****NOTE TO PUBLIC ACCESS USERS*** You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

U.S. District Court

Southern District of California

Notice of Electronic Filing

The following transaction was entered on 10/11/2007 at 12:54 PM PDT and filed on 10/10/2007

Case Name: USA v. Heron-Salinas

Case Number: 3:07-mj-2416

Filer:

Document Number: 2(No document attached)

Docket Text:

Minute Entry for proceedings held before Judge Leo S. Papas :Initial Appearance as to Juan Heron-Salinas held on 10/10/2007. Appointed attorney Federal Defenders for Juan Heron-Salinas. Bond set as to Juan Heron-Salinas (1) \$35,000 C/CS. 18:3142d hold till 10/23/07. Preliminary Hearing set for 10/23/2007 09:30 AM in Courtroom G before Magistrate Judge Leo S. Papas. (Tape #LSP07-01-1:55-2:22).(Plaintiff Attorney James Melendres).(Defendant Attorney Jennifer Coon). (r1r)

3:07-mj-2416-1 Notice has been electronically mailed to:

Federal Defenders cassd_ecf@fd.org

U S Attorney CR Efile.dkt.gc2@usdoj.gov

3:07-mj-2416-1 Notice has been delivered by other means to:

1 JENNIFER L. COON
2 California State Bar No. 203913
3 **FEDERAL DEFENDERS OF SAN DIEGO, INC.**
4 225 Broadway, Suite 900
5 San Diego, California 92101-5008
Telephone: (619) 234-8467
Email: Jennifer_Coon@fd.org

6
7
8 Attorneys for Defendant Heron-Salinas

9
10
11 UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
13 (HONORABLE LEO S. PAPAS)

14 UNITED STATES OF AMERICA,) Case No. 07MJ2416
15 Plaintiff,)
v.)
16 JUAN HERON-SALINAS,) **NOTICE OF APPEARANCE**
Defendant.)

17

18 Pursuant to implementation of the CM/EMF procedures in the Southern District of
California, Jennifer L. Coon, Federal Defenders of San Diego, Inc., files this Notice of Appearance as lead
attorney in the above-captioned case.

19
20 Respectfully submitted,
21
22 Dated: October 12, 2007
23
24
25
26
27
28

/s/ JENNIFER L. COON
Federal Defenders of San Diego, Inc.
Attorneys for Defendant
Jennifer_Coon@fd.org

Notice of Appeal Notification Form

To: Clerk, U.S. Court of Appeals
From: U.S. District Court, Southern District of California
Subject: New Appeals Case Information & Docket Fee Notification

Date: 06/16/08

Case Information

Case Title: United States of America v. Juan Heron-Salinas

U.S.D.C. No.: 07cr2872 JM U.S.D.C. Judge: Jeffrey T. Miller

Complaint/Indictment/Petition Filed: Indictment

Appealed Order Entered: 6/13/2008

Notice of Appeal Filed: 6/13/2008

Court Reporter: Debra Henson

COA Status: Granted in full/part (appeal only) Denied (send clerk's file)

Docket Fee Notification

Docket Fee: Paid Not Paid No Fee Required

USA/GOV'T. APPEAL: Yes No

Date F/P granted (Show Date and Attach Copy of Order): _____

Was F/P Status Revoked? Yes No

Companion Case(s): (Please list consolidated cases, if applicable) _____

Counsel Information

Appellant Counsel:

Jennifer L. Coon
Federal Defenders of San Diego

225 Broadway, Suite 900
San Diego, CA 92101-5008

619-234-8467

Appellee Counsel:

Nicole A. Jones
US Attorney's Office

880 Front Street, Room 6293
San Diego, CA 92101

619-557-5482

Counsel Status: Retained Appointed Pro Se

Appointed by: Leo S. Papas
(Attach copy of order/minutes)

Defendant Information

Prisoner ID Number: 99248198

Bail: _____

Custody: X**SERVICE LIST**

Counsel for Appellant(s) and Appellee(s), as listed on the previous page, have been sent copies of the following items:

<input checked="" type="checkbox"/>	Transmittal of U.S.C.A. (Appellant and Appellee)
<input checked="" type="checkbox"/>	Case Information/Docketing Fee Notification Form. (Appellant Only)
<input checked="" type="checkbox"/>	Notice of Appeal. (Appellant, Appellee, U.S. District Judge, USPO, and Court Reporter)
<input checked="" type="checkbox"/>	Docket Entries (Appellant and Appellee)
<input checked="" type="checkbox"/>	Designation of Reporter's Transcript and Ordering Form. (Appellant Only, mailed separately)
<input checked="" type="checkbox"/>	Order for Time Schedule. (Criminal Only) (Appellant, Appellee, and Court Reporter)
	Magistrate Judge's Report and Recommendation
	COA Order
	F/P Order
	Minute Order
<input checked="" type="checkbox"/>	Other: Judgment entered 6/13/2008, NEF Sentencing Minutes entered 6/6/2008, NEF Minutes Appointing Counsel entered 10/11/07, Notice of Appearance entered 10/12/2007.

Form Completed And Documents Served By U.S. District Court Deputy Clerk:

Autumn Wooden

Deputy's Name

A. WOODEN

Deputy's Signature

UNITED STATES DISTRICT COURT
 Southern District Of California
 Office Of The Clerk
 880 Front Street, Room 4290
 San Diego, California 92101-8900
 Phone: (619) 557-5600
 Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
 Clerk of Court

To: Clerk, U.S. Court of Appeals
 P.O. Box 193939
 San Francisco, CA 94119-3939

Re: **USCA No:**
USDC No: 07cr2872 JM
USA v. Juan Heron-Salinas

Clerk, U.S. Court of Appeals, enclosed herewith you will please find:

X	Copy of the Notice of Appeal	X	Docket Entries	
X	Case Information/Docket Fee Payment Notification Form			
X	Order for Time Schedule (Criminal)			
	Original Clerk's Record in		set(s) of	volume(s).
	Reporter's transcript's transcripts in		set(s) of	volume(s).
	Exhibits in	envelope(s)	box(es)	folders(s)
X	Judgement Order			F/P Order
	CJA Form 20			Minute Order
	Certificate of Record			Mandate Return
	Magistrate Judge's Report and Recommendation			
	COA Order			
	Amended docket fee notification form			
	Order Appointing Counsel for Appeal			
X	NEF Minutes entered 6/6/08, NEF Minutes entered 10/11/07, Notice entered 10/12/07			
X	Please acknowledge on the enclosed copy of this transmittal			

Sincerely yours,

W. Samuel Hamrick, Jr.
 Clerk of Court

Date:

By: A. WOODEN
 Autumn Wooden, Deputy